

SENATE BILL 188

By Stanley

AN ACT to amend Tennessee Code Annotated, Section
36-1-113, relative to termination of parental rights.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-1-113(q), is amended by deleting the current language in its entirety and by substituting instead the following:

(q) After the entry of the order terminating parental rights, no party to the proceeding, nor anyone claiming under such party, may later question the validity of the termination proceeding by reason of any defect or irregularity therein, jurisdictional or otherwise, but shall be fully bound thereby, except based upon a timely appeal of the termination order as may be allowed by law; and in no event, for any reason, shall a termination of parental rights be overturned by any court or collaterally attacked by any person or entity after one (1) year from the date of the entry of the final order of termination. This provision is intended as a statute of repose, so that, unless an order of termination by a trial court has been overturned within one (1) year after the date the trial court's order of termination is filed, no court, appellate or otherwise, ever shall have subject matter jurisdiction to overturn that order of termination. This has been the intention of the general assembly since it first enacted this section and § 36-1-101(a) and (b).

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.